

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL BUSINESS MACHINES CORPORATION,)	
)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 16-122-LPS
)	
GROUPON, INC.,)	
)	
Defendant.)	

[PROPOSED] ORDER

Upon consideration of the parties' filings in response to the Court's November 1, 2017 Order (D.I. 186), it is hereby ORDERED that

1. IBM is granted leave to pursue additional discovery relevant to (a) the "Spinning the Web" reference and (b) issues arising from the deposition testimony of Paul Davis or IBM's review of Amazon source code, up to and including December 6, 2017.
2. Groupon shall make Mr. Paul Davis available for deposition on November 16, 2017. Should Groupon identify Mr. Yuval Fisher as a trial witness on its pretrial disclosures, Groupon shall make Mr. Fisher available for deposition no later than two weeks after the parties submit their proposed pretrial order.
3. IBM is granted leave to serve a supplemental report on the issue of validity of the '601 patent to address Groupon's "Spinning the Web" and "Amazon 1995 Web-site" prior art theories no later than December 6, 2017.
4. Groupon shall serve any reply report in response to any supplemental report no later than December 13, 2017.
5. Groupon shall pay the cost of one reasonable airfare incurred by IBM for its expert's travel to the office of Fenwick & West to review the Amazon source code.

IT IS SO ORDERED, this _____ day of _____, 2017.

CHIEF JUDGE